

to know whether nominees would respect the Constitutional power of Congress to enact environmental protections or if nominees are so opposed to such protections that they would bend or distort the law to strike them down.

The American people deserve to know whether nominees would roll back civil rights laws or uphold the rights of the disabled, the elderly, and minorities. The American people are entitled to know if a nominee respects women's rights to equal treatment in our society and to privacy in making reproductive decisions.

This does not mean every nominee should promise to rule a particular way in each of the cases on the Supreme Court's docket for the next term. It doesn't mean that nominees must state how they would rule in any specific case. But it does mean that the Senate should expect the nominee to answer questions about important legal principles—such as the constitutional power of Congress to protect Americans against corporate abuses, the right to equal treatment, Americans' right to privacy in making personal decisions about medical care, the principle of non-discrimination, and the right to be free from unwarranted government intrusion.

The American people deserve to know the answers to those questions, and the Senate's review is the only way that they can get those answers. The nominee will need to say more than "trust me" in response to these important questions, because so much hangs in the balance.

The importance of judicial philosophy in deciding whether to confirm a Supreme Court justice is nothing new. During the first 100 years after ratification of the Constitution, 21 of 81 Supreme Court nominations—one out of four—were rejected, withdrawn, or not acted on.

Since 1968, a third of all Supreme Court nominations have failed. During these confirmation debates, ideology often mattered. John Rutledge, nominated by George Washington, failed to win confirmation as Chief Justice in 1795, when Alexander Hamilton and other Federalists opposed him because of his position on the Jay Treaty.

In 1811, James Madison's nominee, Alexander Wolcott, was defeated because of his enforcement of the embargo and other trade laws opposed by Federalists in the Senate.

A nominee of President Polk was rejected because of his anti-immigration position. A nominee of President Hoover was not confirmed because of his anti-labor view. The Senate failed to elevate Justice Abe Fortas to Chief Justice in 1968, when Senate Republicans filibustered his nomination because they objected to his decisions on free speech and defendants' rights.

Chief Justice Rehnquist himself has stated that it is appropriate for the Senate to ask about a Supreme Court nominee's judicial philosophy, stating that this "has always seemed . . . en-

tirely consistent with our [C]onstitution and serves as a way of reconciling judicial independence with majority rule."

As our colleague from Mississippi, Senator TRENT LOTT, stated in 1996, "[w]e should look not only at their education, background, and qualifications, but also . . . what is their philosophy with regard to the judiciary and how they may be ruling." In Senator LOTT's words, "if we do not ask questions, then we will be shirking our responsibilities."

Earlier this month, the Senator from Texas, Senator CORNYN, stated that while nominees should not be asked to promise how they will vote in a specific case, "it's an appropriate question to ask what their views are on cases that have been decided and judicial opinions that have been written."

We should all agree that it's appropriate for the Senate to ask nominees about the issues most important to Americans. The American people expect and deserve to learn about a nominee's legal philosophy during the hearings on any Supreme Court nominee. We should do all we can to see that the process provides clear answers, so that the American people will have full confidence in the outcome.

#### HONORING OUR ARMED FORCES

IN HONOR OF PRIVATE FIRST CLASS ERIC PAUL WOODS

Mr. NELSON of Nebraska. Mr. President, I rise today to honor PFC Eric Paul Woods of Omaha, NE.

Private First Class Woods served his country with the utmost bravery. A graduate of Urbandale High School in Urbandale, IA, Woods moved to Omaha 5 years ago, joining the Army in April 2004 as a medic with the G Troop, 2nd Squadron of the 3rd Army Cavalry. He was based out of Fort Carson, CO. Seven years earlier, Private First Class Woods met his wife Jamie, also of the Des Moines area. The two were wed a year later on their first anniversary as a couple. On March 8, 2005, Private First Class Woods was deployed for his first tour in Iraq.

On July 9, 2005, Private First Class Woods was killed in action while serving courageously in Iraq. While bravely attempting to save the life of a wounded soldier near Tal Afar, Iraq, he sustained fatal wounds as an improvised explosive device detonated near the side of the road. His courage should be an example to all, as days before he turned down an offer to be moved away from the front lines. His dedication to both his fellow soldiers and his country clearly display both his valor and resolve.

Private First Class Woods is survived by his wife Jamie and his 3-year old son Eric Scott, among numerous other friends, family, and countrymen who proudly honor and remember his sacrifice. I would like to offer my sincere thoughts and prayers to Private First Class Woods' family. His selfless com-

mitment to his country will not be forgotten. Private First Class Woods will be remembered as a man who honored, served, and died for the liberties and freedoms of all Americans and Nebraskans.

PETTY OFFICER 2ND CLASS DANNY P. DIETZ

Mr. SALAZAR. Mr. President, I rise today to commemorate an outstanding Coloradan who made the ultimate sacrifice for all of us: Navy Petty Officer 2nd Class Danny Philip Dietz, Jr.

Petty Officer Dietz was a native of Littleton, CO, and was a member of the Navy's elite fighting force, the SEALs. He was killed in Afghanistan after an unsuccessful rescue attempt. He was just 25 years old about to embark on his fifth year of service to our Nation.

Petty Officer Dietz, D.J. to his friends and family, joined the Navy in 1999 after graduating Heritage High School where he played football. Serving his country as a Navy SEAL was Petty Officer Dietz's dream. He spent his spare time in high school swimming and building his strength to make him a better candidate for this elite program. He spent years in training to become part of a specialized SEAL reconnaissance team.

In doing so, Danny Dietz took his first step toward becoming a hero for America.

When Petty Officer Dietz left for his most recent deployment in April out of Virginia Beach, just a few hours from where we are tonight, he told his wife that he was going to do something special for his Nation. He did for all of us, including one of his fellow soldiers who was rescued from those Afghan mountains, where Petty Officer Dietz was lost to us.

Matthew 5:9 teaches us, "Blessed are the peacemakers, for they shall be called sons of God." Petty Officer Dietz brave actions overseas are the kind of heroism of which you should be extraordinarily proud and to which all aspire. Petty Officer Dietz's service to the people of the United States is a gift for which we are all profoundly grateful and will never forget.

Petty Officer 2nd Class Danny Philip Dietz, Jr. served this Nation with extraordinary courage, honor and distinction in fighting for our freedom and liberties. To his wife Maria and his entire family, I can only offer my deepest condolences at your loss. The thoughts and prayers of an entire Nation are with you.

#### MR. GENE MAY, A BUILDER OF HOMES

Mr. BYRD. Mr. President, it is commonly said that a man is known by his work. For half of a century, Mr. Gene May of McLean, VA, was known by the fine homes he built in the Washington area.

Mr. May, who died recently of lung cancer, was a builder and a developer, who made an important and lasting impact on this busy, ever-growing, and highly transient region. He was a good